

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Knox
29353

FILE: B-213525.2 **DATE:** September 18, 1984

MATTER OF: Pete Sprouse Construction, Inc.--
Reconsideration

DIGEST:

GAO affirms prior decision where reconsideration request merely reflects the protester's disagreement with the decision and does not provide any evidence that the decision was erroneous.

Pete Sprouse Construction, Inc. requests that we reconsider our decision in G.C. Smith Construction Company, B-213525, July 24, 1984, 84-2 CPD ¶ 100, in which we sustained Smith's protest of the rejection of its bid for the replacement of an aircraft parking apron. We held that Smith's failure to acknowledge an amendment to the solicitation did not require rejection of its bid inasmuch as the amendment had only a trivial effect on price and it did not change the parties' legal relationship.

In its request for reconsideration, Sprouse argues that our conclusion was wrong, and that we disregarded the information supplied by the agency. As a result, Sprouse maintains, we have allowed Smith to abuse the procurement process through its failure to acknowledge the amendment and its deciding after bid opening whether it would accept the contract.

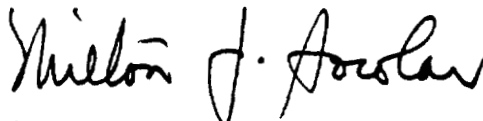
In reaching our decision, we considered all of the information supplied by the agency and found that as a matter of law this information did not support the agency's position. Moreover, we do not agree with Sprouse that because Smith acknowledged amendment 0002 after bid opening, it was in a position to accept or reject the award after learning the results of bid opening. Smith was bound by its bid as submitted, which included only amendment 0001. The fact that Smith acknowledged amendment 0002 after bid opening was irrelevant. We decided that Smith's bid should be accepted because its failure to acknowledge amendment 0002 should have been waived.

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While it is clear that Sprouse disagrees with our decision in Smith, it has not provided any new arguments or facts to show that that decision was erroneous. Mere disagreement with our prior decision does not provide a basis to reverse that decision. Atlas Contractors, Inc.-- Request for Reconsideration, B-209446.3, June 30, 1983, 83-2 CPD ¶ 46.

Our decision is affirmed.


for Comptroller General
of the United States